## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

VOLVO CONSTRUCTION	)	
EQUIPMENT RENTS, INC.,	)	
	)	4:11CV3010
Plaintiff,	)	
	)	
V.	)	
	)	MEMORANDUM AND ORDER
NRL RENTALS, L.L.C, et al.,	)	
	)	
Defendants.	)	

On February 15, 2011, Plaintiff Volvo moved for an Order, (filing no. 9) compelling Rachel R. Erick to comply with the subpoena duces tecum served on or about December 18, 2010 in this action and the subsequent Motion to Compel filed January 26, 2011, (filing no. 1). After several failed attempts to obtain Ms. Erick's compliance without court action, the plaintiff filed a motion to "reactivate" its motion to compel, (filing no. 12). Upon the showing set forth in the plaintiff's motion,

## IT IS ORDERED:

- 1) The plaintiff's Motion to Reactivate Motion to Enter Order, (filing no. 12), is granted.
- 2) The plaintiff's motions to compel, (filing nos. 1 and 9), are granted, and
  - a. Rachel R. Erick is compelled to comply with the subpoena personally served upon her on or about December 18, 2010 and produce all records and documents requested therein; and
  - b. Rachel R. Erick is ordered to appear personally before this Court on Friday, April 29, 2011 at 1:00 p.m. in Courtroom #4, Third Floor, Omaha Federal Building, 111 South 18th Plaza, Suite 1152, Omaha, NE 68102, and at the hearing, shall provide the information requested herein, execute the Yahoo! consent form attached to this Order as

Exhibit A, and comply with the subpoena duces tecum in all other respects.

The clerk shall mail a copy of this order certified U.S. mail, return receipt requested, to Ms. Erick at her last known address: 6713 S. 188th Street, Omaha, Nebraska 68135-3667.

DATED this 18th day of April, 2011.

BY THE COURT:

s/ Cheryl R. ZwartUnited States Magistrate Judge

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## Consent to Search and Account Verification

understa		der of the Yahoo! account with Yahoo! ID rre_21@yahoo.com,
		ction with a subpoena. I hereby grant my consent to authorize
	wing law firm/agency:	
		LPA to receive, review, copy, and otherwise obtain access to
		to my account, including but not limited to information about
		all electronic files or communications maintained by Yahoo!
retated t	o me or my ID.	
Durenan	t to the consent I hereby request that the follow	owing specific information be provided:
All	information of any kind	held by Yahoo! relating to my account,
incl	uding but not limited to	information about my identity, my online
acti	vities and the contents	of all electronic files or communications
mair	tained by Yahoo! related	d to me or my ID.
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I further	request that the above information be provi	
Name:	McIntyre, Kahn &	Kruse Co., LPA
Address	: The Galleria and	Towers at Erieview
	1301 E. 9th Stre	Set, Suite 2200
City, St	ate, Zip: Cleveland, OH 4	44114
	action with this authority to coloons in format	den 1 de beeke een te beld bewinne did for a beld
		tion, I do hereby agree to hold harmless and do forever hold tion and do forever waive on my behalf, and on behalf of my
		Yahoo!'s disclosure of any information related to my account
	t to this authorization.	Tando: 3 disclosure of any information related to my account
1.5.7.		
The foll	owing information should be used by Yahoo	o! to verify my identity*:
My log	in name/Yahoo! ID is	
My Va	hoo! c-mail address is	rre21@yahoo.com
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<sup>·</sup> In order for Yahoo! to verify the account, the user must provide information that matches the information Yahoo! has on record for that account. The terms of this consent are not subject to modification.